

EXHIBIT T

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

NO. 1:16-cv-03088-ELR

JASON BYARS

December 02, 2022



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1 decreasing challenging behaviors for students with
2 disabilities?

3 A Say that one more time. I want to listen
4 carefully.

5 Q Would you agree that PBIS is useful for
6 decreasing challenging behaviors for students with
7 disabilities?

8 A Yes, I would agree with that statement.

9 Q And how would you define challenging
10 behaviors, generally?

11 A Generally?

12 Q Generally or in that context.

13 A Yeah. I think challenging behaviors, the
14 first thing that I think about is when a student is
15 exhibiting challenging behaviors, it is interfering
16 with their ability to learn or maybe their
17 classmate's ability to learn.

18 I think challenging behaviors is also
19 subjective to the settings. You know, we have some
20 settings that a challenging behavior may not be
21 noticed at all, and then we have some settings where
22 challenging behaviors may really stand out, just
23 even in the general population.

24 Some of the behaviors we see in
25 kindergarten and meltdowns, if you saw that in a

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1 the school. It all lie with that school and that
2 leadership to establish that climate.

3 Q What is the district or LEA's role in
4 creating a positive climate?

5 A Support. I'm thinking about my role when
6 I was in Griffin at the district level, like what
7 was my role. My role was to support and train and
8 give feedback and sometimes have some crucial
9 conversations when things weren't going well and
10 what we say may not be going well.

11 But really my job at the district or the
12 LEA is to provide that support. What is it that you
13 as a school need to be or need to have in order to
14 be successful? And it's my job to provide that to
15 you.

16 Q What is the State's role in supporting
17 schools or LEAs creating a positive school
18 environment?

19 A So that domino continues. So what I look
20 for at the State level is to provide that support to
21 the districts. What training, what guidance, what
22 professional learning do you need at the district
23 level so that you can help support implementation at
24 the school level.

25 Q Did you advocate for improving school

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1 A So Tier II really -- each one of our
2 trainings come at the request of the schools or
3 district. So sometimes it's need based. So when
4 they feel like they really need some Tier II
5 training, they'll come to us.

6 Sometimes it's, hey, we've been
7 implementing Tier I for a certain number of years,
8 we need to add Tier II. And the data is indicating
9 that we have, you know, 40 percent of our kids at
10 Tier 2, we need to get trained on that.

11 So it's a combination of things but it's
12 really about that relationship and that partnership
13 between the Georgia Department of Education, the
14 RESA school climate specialist, and the district
15 coordinator, really working together to say when are
16 we ready for Tier II implementation.

17 Q And how is it determined when a school is
18 ready for Tier II implementation?

19 A It's most -- generally it's at the request
20 of the school.

21 Q And what about Tier III?

22 A So Tier III training, which has not been
23 rolled out officially yet, they have developed the
24 Tier III training and it's been presented to the
25 department team for feedback they're going to pilot

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1 it in a few sites and it will be ready for rollout,
2 but very similar -- it's going to be a similar
3 process. It will be at the request of the school or
4 district.

5 Q Let's refer back to the Tier II Readiness
6 Packet. I believe it was Plaintiff's Exhibit 676,
7 and it was an email and then inside that email there
8 was the attachment of the Tier II Readiness Packet.

9 Can you look at Page 4 of this packet,
10 which is Bates-stamped GA00305521.

11 Do you see where it says "Tier II
12 Prerequisites"?

13 A I do.

14 Q Does this mean that each of the below
15 items must be complete or fulfilled prior to a
16 school implementing Tier II?

17 A I think that having Tier I in place and in
18 place with fidelity gives a good foundation for Tier
19 II, and so I think that's why some of these criteria
20 were set, to make sure that some of those
21 foundational pieces are in place.

22 Q And how does it provide a good foundation?

23 A Well, we know if, if we can take a look at
24 our self-assessment scores and the faculty is bought
25 in, it's easier to build on that.

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1 MS. JOHNSON: Object to form.

2 A They -- technically they could.

3 Q And so are there no additional categories,
4 installing, emerging, operational, distinguished,
5 that recognize a program that implements Tier III?

6 A No, because we haven't provided the
7 training for Tier III yet, and so it's hard to set
8 those standards when we haven't provided that
9 training yet.

10 Q Who within schools receive PBIS training?

11 A The school team.

12 Q And is there a different kind of training
13 for different members of the school team? Like
14 would a school principal receive different training
15 than teachers?

16 A No.

17 Q And would teachers receive different
18 training than paraprofessionals?

19 A No.

20 Q And who provides the training for these
21 teams?

22 A The Georgia Department of Education, and
23 in some cases the school climate support specialist
24 and the RESA.

25 Q And is the training mandatory if they've

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1 of this training?

2 A I have not.

3 Q Did you work on the development of this
4 training?

5 A I did not. I had a team at the Department
6 of Education who worked on it, and actually Jeannie
7 Morris, the new program manager, was the team lead
8 on that.

9 Q Do you think it should include FBA and BIP
10 training?

11 A I think it should include an overview of
12 FBA and BIP. I don't know that a full training. I
13 think it would be time prohibitive to do a full FBA
14 and BIP training within Tier III training.

15 Q And you mentioned before that BIPs are a
16 Tier III intervention; is that correct?

17 A Correct.

18 Q Where else, if not by GaDOE, would someone
19 receive training to develop a BIP?

20 A Colleges and universities do that.
21 Georgia State does FBA and BIP training.

22 Probably some of the RESAs, you could get
23 FBA and BIP training at RESAs, where professional
24 learning is offered.

25 Q And are there place -- are there schools

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1 in Georgia that have implemented Tier III even
2 though the Tier III training has not been ruled out
3 yet?

4 A They have aspects of Tier III in place.
5 For example, when I was in Griffin, a lot of our
6 mental health services and those behavior supports
7 we were offering, those were really Tier III
8 supports. We had been formally trained but we knew
9 what our needs were and we had that grant to help us
10 develop some of the ways to meet those needs.

11 Q When did GaDOE first start supporting
12 PBIS?

13 A I believe 2008.

14 Q And is it typical for it to take, you
15 know, over a decade to roll out Tier III training?

16 A I don't know it's typical in rolling out
17 Tier III training. There's not enough Tier III
18 trainings out there to kind of know what's typical.

19 I knew it was a need in our state and I
20 knew we needed to meet the need.

21 Q Why do you think that need needed to be
22 met?

23 A Just hearing and having been in the
24 district to see the needs and in really hearing in
25 some of those really intense behaviors that our